

**PLANNING COMMISSION
COMMISSIONER'S HEARING ROOM, COUPEVILLE, WA
TUESDAY, JANUARY 7, 2014**

	<i>Members Present</i>	<i>Members Absent</i>
<i>District 1</i>	<i>Val Hillers – Vice Chair</i>	
	<i>Dean Enell</i>	
	<i>Mike Joselyn – 2nd Vice Chair</i>	
<i>District 2</i>		<i>Jeffery Wallin</i>
		<i>Anna-Marie Sibon</i>
		<i>Leal Dickson</i>
<i>District 3</i>	<i>Wayne Havens – Chair</i>	
		<i>James Hall</i>
		<i>Scott Yonkman</i>

Meeting was called to order at 9:05 a.m. by Chair Havens.

ROLL CALL

Val Hillers, Mike Joslyn, Wayne Havens, Dean Enell

Minutes:

None

Planning staff present: David Wechner – Planning Director, Will Simpson – Long Range Planner

ITEMS FROM THE PUBLIC

None

DIRECTOR'S REPORT

Dave Wechner informed the Planning Commission of staffing changes; Kira Swanson will be leaving to join the Washington State Parks and will be looking to fill the position. He is working on the Planning Conference room and getting it furnished.

OLD BUSINESS – Public Meeting – Continuation of the Workshop on I-502 implementation.

Planning Commission workshops are not meant for a Public Forum. Planning workshops are to inform and familiarize members with issues coming before them and provide an opportunity to exchange ideas. Planning Commission workshops are open to the public to attend, but are not generally an opportunity for public testimony.

Dave Wechner invited members from the Health Department Jill Wood and Helena Hennighausen and anticipates Sherriff Mark Brown will be joining the workshop as well; also introduced Andy Griffin and Dan Mitchell.

- He discussed the various documents sent to the Planning Commissioners from other jurisdictions.
- Setbacks in the various zones.
- Definitions for I-502.

- Meanings and terms from WAC.
- City of Oak Harbor's decision regarding I-502.
- Discussed Snohomish County's approach to retail uses and liquor stores, light and heavy industrial zones; Kitsap County is looking at a similar approach.
- Snohomish looked at setbacks to preserve rural character.
- Whatcom County determined that Development Services will regulate them regulate them similar to any other commodity grown, processed or sold. They determined that marijuana is an agricultural crop and no different than any other crop.
- Discussed Jefferson County and Skagit County's interpretations.

Will Simpson discussed the various considerations that need to be made to address marijuana and how the Comprehensive Plan would be impacted by it. The development regulations need to stay with what is defined, if we regulate it differently, the Comprehensive Plan would need to be amended and go through a longer process.

Commissioner Hillers asked for an explanation regarding Skagit County's Comprehensive Plan and their reference to greenhouses being different from agriculture.

Wayne Havens asked if heat lamps are used to grow the plant and does it require more heat to grow it in a greenhouse.

Dave introduced Andy Griffin, Building Official to discuss the structures and occupancy types and the processing in hash houses.

Andy discussed the explosion in Kirkland regarding hash oil; inexperienced growers are not knowledgeable on handling the butane and create these problems in processing. Under the building code and building code, an operation would be classified as H2. This would require the product to be manufactured in certain buildings and there would be larger setbacks in order to process the marijuana.

Dean asked if the butane would only be used in the process of the growing.

Andy responded that it was correct.

Dave stated the majority of the applications are in the rural, rural agriculture and heard from one applicant in the airport zone.

Dean Enell asked if the applications included both the processing and growth.

Dave responded it was correct. He stated there are about 20 applications, it seems larger than it is but there are some locations that are applying for both processing and grow. There have been a number of applications with addresses that do not exist, calling out suite numbers and Island County does not issue suite numbers in the addressing.

Mark Brown does not believe we have seen all of the applications that have been submitted.

Dean believes marijuana should be treated as agricultural product since it is consumed by humans. It does not detract from rural character.

Wayne Havens disagreed.

Mike Joslyn said it is less expensive to grow in rural area vs in agriculture.

Commissioner Hillers then discussed the rural character and how does a large building fit into rural character.

Further discussion regarding the cost of production and locations were further discussed.

Commissioner Enell encourages to look at a location in Bayview that is growing hydroponic lettuce and it would be similar to the marijuana grow.

Commissioner Joslyn said that securing the building would be large and it is something that needs to be taken into account.

Commissioner Enell discussed the tax benefits, crime reduction in the area.

Dave Wechner asked Jill and Helena to discuss Public Health's concern with the implementation.

Jill explained how they would be involved in the land use application.

- Solid Waste.
- Byproduct created.
- How is it being disposed?
- There is a fair amount of water that is involved in the growth.
- We are in an aquifer and this community is limited to the access of water.
- Septic Use.
- Solid waste.

Helena deals with the solid waste program.

- Looks at the disposal of the products and byproducts.

Mark Brown's concerns are:

- Concern of public safety.
- Proximity of a medical marijuana production to a recreational grow operation.
- Applauds Oak Harbor in attempting to separate medical and recreational marijuana.
- The process is currently dysfunctional.
- Hopes through legislative action both productions be merged together and regulate them.

Commissioner Enell asked how much it will cost recreational for recreational marijuana.

Sheriff Brown responded that it is 2 to 1 due to taxation.

Commissioner Hillers said it was a 75% tax.

Commissioner Havens asked if the age limit is 21 years and up and his concern is the amount they allowed to purchase.

A person is legally allowed to possess 1oz of marijuana.

Mark Brown stated they are currently trying to outreach to the youth through enforcement and education.

Mark Brown stated that there are only 2 states that allow this in many ways we have become a black market since it is not allowed in other states. He feels it should be housed in a building versus a tent due to security reasons.

Commissioner Joselyn asked where the state stands on the medical marijuana community.

Mark Brown stated that medical marijuana is very loosely being monitored. It's a fact that the marijuana out there is being used more as a recreational use.

Further discussion regarding taxation differences between medical and recreational marijuana continued.

Dave Wechner discussed the issues to consider:

- Direction on prime agriculture soils.
- Processing of ag or forest products under 4000 sq. ft. as a Type I use.
- Processing of Ag or forest products as a Type II over 4000 sq. ft.
- Type of notifications and appeals for applications.
- Accessory Buildings.
- Uninhabitable buildings less than or greater than 800 sq. ft. in size.

Commissioner Hillers asked if 800 sq. ft. is the size that requires a building permit.

Andy Griffin responded that the 800 sq. ft. threshold is for a home occupation.

Dave Wechner asked for direction from the Planning Commission to determine whether the I-502 uses are compatible use in a rural residential zone.

Commissioner Hillers was concerned with the use of irrigation water. To allow unlimited use of aquifer other people will suffer.

Jill said for outdoor irrigation there is a waiver. Department of Ecology can get involved if there is a use of more than 5000 gallons.

Commissioner Hillers asked if there is a condition that may be placed on the amount of water use.

Keith Higman discussed Title 8 of Island County Code; there are standards that protect use of water by any land use type by zone. They are the most conservative guides he has seen. They have the authority to regulate any activities that can affect ground water. Health would condition the use to limit the use of the water.

Will Simpson stated that any new development would need to be consistent with the standards of maintaining the rural characteristics.

Discussion regarding rural characteristic continued.

- Industrial zone meeting rural characteristics.
- Water usage, heat, evaporation.
- Limitation of water usage along with the building size.
- Lot size - setbacks
 - Processing – min of 30ft setback from property line.
 - Rural – 20 ft. existing, 50ft for a new lot, 5ft rear and side yard setbacks.
- Security lighting.
- Traffic concerns.
- Employee ratio, production area is calculated at 1 person/200sq ft.
- Fire flow, which is a fire hydrant, requirements within 500 ft from the building at 4000 sq ft. In the 90's the requirement was amended, if there are multiple buildings they need to be separated by 50 ft. then fire flow would not be required
- Most rural areas would not be able to meet the fire flow requirement.
- Depending on classification of the building it would change the exiting requirements of a building, building code gets very restrictive.
- Rural, commercial ag, rural ag, rural residential, use the same language is used regarding growing, harvesting, and sale are allowed in those zones.
- State law wants to separate production process and sales of marijuana. Our ordinance is not specific enough to separate both of them. We are limited to 4 locations of sales.

Commissioner Joselyn stated that marijuana sales should be in commercial or commercial ag, it's not any different than selling alcohol.

Will commented that there are provisions in WAC that would need to be complied with.

- Signage
- State has broken it down to retail and production.
- Jefferson County and Whatcom County looked at production as agriculture.
- Code does not make the distinction between, grow, processing and sale of harvest.
- Consistency with Comprehensive Plan.
- Building code looks at a construction type and gives the limit to building size. County has adopted an appendix in the building code that is specific to agricultural buildings.
 - 1 story building

- 60ft setbacks clear around building.

Commissioner Hillers asked how other counties that haven't said it's an ag product are dealing with this.

Dave Wechner said Kitsap County looked at the processing since this is not really like processing other agricultural products. They looked at it as manufacturing.

Dave Wechner asked the Planning Commission what items he can provide them to help them through the process.

- Further analyzes from Long Range Planning.
- Changes are made to the Comp plan once a year.
- 60 day period notice to Department of Commerce prior to the final public hearing.
- Better understanding of the classifications.
 - Between agriculture and industrial.
 - Requirements for building in Industrial zones.
- What zone are the current applications in?
- What Tier Types do those applications fall under?
- Notify Liquor Control Board where we are in the process of the ordinance and time frames.
- Does the license only apply to the location or the person requesting the license? If the zone does not fall under the approved zone, how will this affect the applicant?
- LCB is aware there is a moratorium in Island County.
 - Notification of timeframes in adopting the ordinance.

Commissioner Enell stated he would like the Planning Commission to meet the March deadline and avoid making changes to the Comprehensive Plan.

Commissioner Hillers asked how Penn Cove Shellfish is zoned and how were they were processed.

Andy Griffin stated that they were processed as an agricultural use.

Dave Wechner stated he was going to speak to Dan Mitchell to find out if production and processing can be linked.

Discussion regarding areas that currently grow medical marijuana continued.

Keith mentioned the task force set up by the Washington State Legislature. The task force is made up of the Revenue, Liquor Control Board to analyze the market and determine production, processing, and retail. Those recommendations have already been made to avoid competing market places.

- Taxing of marijuana

Dave Wechner suggested January 28, 2014 for work session and ordinance language is the next goal to meet the 60 day requirement to it to Commerce. The Board of Commissioners has directed him to implement program as soon as one is made.

Commissioner Hillers moved to adjourn, Commissioner Joselyn seconded, motion carried unanimously.

Meeting adjourned at 11:00 a.m.

Respectfully submitted,

Virginia Shaddy